



A scenic view of a river flowing through a dense forest, with mountains in the background. The river is calm, reflecting the surrounding greenery. The forest is lush and covers the hillsides. The sky is clear and blue.

Water Quality Management on National Forest System Lands

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State Water Resources Control Board

Waiver History, 1

- In 1983, the SWRCB took the following actions pursuant to Clean Water Act (CWA) Section 208:
 - It certified USFS water quality management plan (WQMP), including its “best management practices” (BMPs);
 - It designated USFS as the agency with primary responsibility for program management; and
 - It executed a management agency agreement with USFS.
- From 1983 through 2001, the USFS WQMP/MAA functioned under an informal statewide waiver (waiver) of waste discharge requirements (WDRs).

Waiver History, 2

- In -----, the Porter-Cologne Act (PCA) was amended to mandate that all waivers be:
 - Formal;
 - Conditional (including monitoring); and
 - Temporary (five-year maximum term).
- Three RWQCBs adopted their own individual waivers addressing activities on NFS lands.
- Especially in the North Coast Region, activities on NFS lands are subject to TMDL implementation plan requirements.
- In ----, PCA amendments authorized SWRCB to adopt statewide waivers.

USFS WQMP Update

- SWRCB and USFS both recognized the need to update the existing USFS WQMP.
- SWRCB Resolution 2009-0064 authorized SWRCB staff to begin working with USFS to update the WQMP and develop a proposed statewide regulatory mechanism.
- The WQMP update work to be done this calendar year is nearly complete.
- USFS has conducted three tribal listening sessions regarding the WQMP update.

Statewide Regulatory Mechanism, Benefits to USFS

- More consistent with USFS policies and programs.
- Allows greater self-determination.
- Encourages statewide prioritization of :
 - Cleanup of legacy problems; and
 - Improving impaired beneficial uses of water.
- Standardizes and unifies monitoring program and reporting requirements.
- Provides more consistency across Water Board regions, as well as over time.
- Reduces administrative/regulatory overhead.

Statewide Regulatory Mechanism, Benefits to Water Boards

- Centralizes statewide program administration and reporting.
- Greatly reduces the number of different WDRs and/or waivers to be administered and periodically renewed.
- Maximizes efficient use of USFS expertise, resources, and authorities for water quality protection.
- Frees RWQCB staff to work directly in the field with USFS rather than doing office administrative functions.

Statewide Regulatory Mechanism, Benefits to Waters

- Allows USFS and Water Board resources to be collaboratively focused where the need and potential benefits are greatest.
- Allows more effort and funding to be devoted to on-the-ground improvements.
- Better and more efficient protection by addressing various NPSs of temperature, sediment, etc. systematically across the landscape.

Which Statewide Regulatory Mechanism?

- General WDR
 - Primary regulatory mechanism
 - No expiration
 - Cannot specify “means of attainment”
 - Most appropriate for potentially significant discharges
- Waiver
 - Periodically expiration & renewal
 - Specifies conditions (e.g., monitoring) to be met
 - “In the public interest”
 - Most appropriate for discharges that are unlikely to be significant

What Activities Would Be Covered?

- Only nonpoint sources of waste discharge, including:
 - Timber management
 - Range management
 - Fire suppression, fuels management, & burned area recovery
 - Other vegetation management
 - Motorized & non-motorized recreation
 - Road management????

What Else?

- Strengthened implementation of USFS guidance, including:
 - Watershed Improvement Program
 - Aquatic Conservation/Management Strategies
 - Travel Management Rule
- Substantially strengthened procedures for:
 - BMP administration
 - Legacy problem remediation
 - Recovery of 303(d)-listed waters
 - Monitoring
 - Adaptive management
 - Reporting
- Incorporation of region-specific conditions.

What Would Not Be Covered

- Point sources of waste discharge, including:
 - Suction dredging, mines and related facilities
 - Activities conducted by third parties on NFS lands under written USFS authorization
 - Discharges of hazardous or human waste
 - Discharges from pesticide applications
 - Any activities with potentially significant water quality impacts.
 - Hydro-electric projects or re-licensing
- Activities needing 404/401 approval
- Activities needing a NPDES or construction stormwater permit (resorts, marinas)
- Road management????)

What Would Be Superseded (or Not)

- The following would be superseded:
 - Application of any RWQCB WDR/waiver requirements to the covered activities on NFS lands (except existing North Coast RWQCB USFS waiver).
- Any more rigorous requirements for the following would NOT be superseded:
 - Those that may subsequently be found to be necessary on NFS lands to allow recovery of 303(d)-listed waters.
 - Those that SWRCB may subsequently find are reasonable and necessary for discharges that are likely to harm the quality and beneficial uses of water.
 - Those set forth in agreements between the USFS and any Native American tribe.
- No water rights would be affected.

2010-11 Timeline

	07/10	08/10	09/10	10/10	11/10	12/10	01/11
Waiver	Begin drafting waiver & SWRCB resolution			Complete waiver and SWRCB resolution	Release waiver and SWRCB resolution		
CEQA	Begin drafting Initial Study			Complete IS and Neg Dec	Release IS, Neg Dec, & Public notice	Finalize docs per public comment	
SWRCB						SWRCB workshop & hearing	SWRCB adoption
Public	Stakeholder meeting		Stakeholder meeting	Stakeholder meeting	Public comment period		

Contact Info

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